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Report of the Secretary-General on the activities of the Office of Internal Oversight Services

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Follow-up investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

1. Pursuant to General Assembly resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999, the Secretary-General has the honour to transmit, for the attention of the General Assembly, the attached report, conveyed to him by the Under-Secretary-General for Internal Oversight Services, on the follow-up investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

2. The Secretary-General takes note of the findings of the Office of Internal Oversight Services and concurs with its recommendations.

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Report of the Office of International Oversight Services on the follow-up investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

Summary

Pursuant to General Assembly resolution 55/250 of 2 May 2001, the Investigations Division of the Office of Internal Oversight Services (OIOS) has conducted a follow-up investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. The first report on this matter was transmitted to the General Assembly on 1 February 2001 (A/55/759).

The present report advises the General Assembly of the key findings of this follow-up investigation.

OIOS was pleased to note that both Tribunals have implemented most of the recommendations contained in its previous report and that both have also taken additional proactive steps to prevent abuses of the legal aid system established under their respective statutory authorities.

Documents examined and interviews conducted by OIOS investigators demonstrated that:

(a) One former defence counsel at the International Tribunal for Rwanda had received but rejected a detainee's request for fee-splitting and resigned as counsel;

(b) One current defence counsel at the International Tribunal for Rwanda informed the Registrar in April of 2001 that five months earlier his client had requested from him a monthly sum of $2,500. Although he had agreed to the solicitation at the time it was made, the defence counsel claims that the arrangement was never implemented. The detainee refuted the allegation and filed a motion for withdrawal of counsel, which was denied by a Trial Chamber of the Tribunal. The detainee appealed the decision of the Chamber but the Appeals Chamber of the International Tribunal for Rwanda dismissed his appeal, on technical grounds. While the matter was under judicial review, the OIOS Investigators provided the Registry with new evidence, which clearly showed that the counsel had, in fact, engaged in misconduct by inflating his billings to the Tribunal. Based upon his examination of this, and other evidence, the Registrar was able to determine that the counsel violated the Code of Conduct for Defence Counsel. As a result of the evidence adduced, the Registry decided to discharge the counsel from the case;

(c) Another current counsel at the International Tribunal for Rwanda informed the Registrar in January of 2002 that in July 2001 he had declined a solicitation from his client who had asked him to provide $5,000 monthly as part of a fee-splitting arrangement. The counsel requested to be withdrawn from the case. OIOS noted that the counsel reported the alleged solicitation only after his client had filed a request for his withdrawal. The Registry is currently investigating the matter in consultation with OIOS;

(d) One staff member of the International Tribunal for Rwanda whose responsibilities included the review of the financial statements submitted by defence team members, repeatedly requested and received kick backs (in the form of cash payments and cheques) from several defence team members in order to process their claims in an expeditious manner. The staff member admitted these corrupt actions;

(e) In October 2000 one accused person at the International Tribunal for the Former Yugoslavia, who had successfully claimed indigency and was represented by a defence team funded by the Tribunal, purchased real estate while in detention.

OIOS will continue to pursue these issues in consultation with the Registries. Both Tribunals have been provided with draft copies of the present report. At the International Tribunal for the Former Yugoslavia, the Registry's comments were also supported by the President. The International Tribunal for Rwanda responses were received from the Registry and from the President. Their comments and suggestions have been evaluated and incorporated accordingly.

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I. Introduction

1. In May 2001, the General Assembly considered the report of the Office of Internal Oversight Services (OIOS) on the investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/55/759). In its resolution 55/250 of 12 April 2001, the General Assembly requested the Secretary-General to ensure that OIOS continued its investigation on that and related matters, in consultation with the Registrars of the two Tribunals, and to report thereon to the General Assembly at its fifty-sixth session on the outcome and on the implementation of the OIOS recommendations by the Tribunals.

2. Subsequently, between October 2001 and January 2002, a team of OIOS investigators visited both Tribunals and other locations, conducted interviews and obtained relevant documentation from Tribunal staff members, current and former defence counsel and defence team members, detainees and other persons.

II. Background

3. As detailed in the first OIOS report on the matter (A/55/759), by statutory authority, indigent accused in both Tribunals are entitled to have counsel assigned to them by the Registrars, with the legal fees and costs borne by the Tribunals. A defence team is normally composed of a lead counsel, a co-counsel, investigators and legal assistants.

4. During its first investigation into fee-splitting matters, OIOS found evidence that the legal aid systems of the Tribunals had been abused and that some former or current defence counsel had either been solicited and/or had accepted requests for fee splitting made to them by their respective clients. Other related findings included the hiring of detainees' friends and relatives as defence investigators, expensive gifts given to the detainees by their counsel and other forms of indirect support and maintenance. As a result, OIOS issued 16 recommendations aimed at curbing the abusive practices detailed in that report (see A/55/759 and the annex to the present report).

III. Investigation

5. OIOS was pleased to observe that both Tribunals had implemented most of the recommendations of the prior report. The recommendations that have not yet been implemented relate: (a) to the recruitment of full-time investigators assigned to the Defence Management Sections to investigate claims of indigence; and (b) to the modifications of the Code of Professional Conduct for Defence Counsel and other relevant texts specifically to prohibit fee-splitting arrangements between counsel and their clients, and to define the criteria used for indigence (at the International Tribunal for Rwanda). However, the OIOS investigators have verified that both Tribunals have initiated appropriate actions to implement these recommendations in a timely fashion or have undertaken measures that address the qualitative core of these recommendations. For example, the investigator recruited by the International Tribunal for the Former Yugoslavia to assist the Registry with its inquiries into alleged fee-splitting arrangements is expected to take up his duties by 1 March 2002.

6. Further, under new leadership (new Registrars and new Deputy-Registrars were appointed at both Tribunals in 2001), the Registries of both Tribunals have initiated additional proactive steps to prevent the further abuse of their legal aid systems and to ensure that high professional and ethical standards are maintained in the defence of the accused persons appearing before the Tribunals. They have done this by a variety of methods.

A. International Tribunal for Rwanda

1. Review of implementation of recommendations

7. At the International Tribunal for Rwanda, a system that provides for stricter monitoring and limitations on the number and value of the gifts received by detainees has been put in place at the United Nations Detention Facility. The OIOS investigators have verified that the Facility now conducts strict personal searches of persons visiting or meeting with the detainees in the Facility and has imposed clear restrictions to prevent members of defence teams from meeting with detainees other than their own clients while visiting the Facility.

8. Furthermore, the Registrar of the International Tribunal for Rwanda has initiated other related measures. For example, he has developed enhanced screening of current and potential defence investigators to ensure that none obtains a position by false pretences as to their identity or has engaged in activities incompatible with their status at the Tribunal. In addition, he now requires that new and detailed personal history forms be completed by individuals who are hired as defence investigators.

9. In May 2001, the authorities in the United Republic of Tanzania arrested a former defence investigator who was using false details (false name and false passport). The Office of the Prosecutor later indicted him for genocide and he is currently at the United Nations Detention Facility. Following this arrest, the Registry screened investigators' files and decided either to suspend or not renew the contract of others. Since the implementation of the new screening system, some investigators have chosen to resign.

10. The Registrar has also proposed an amendment to the Code of Professional Conduct for Defence Counsel appearing before the Tribunal specifically prohibiting fee-splitting arrangements and making it obligatory on counsel to inform the Registrar of any alleged breach of this matter by another defence counsel or by a defence team member. OIOS was informed that this amendment would be presented for consideration at the next plenary session of the judges of the Tribunal. Additionally, the Registry advises that a formal bar association, the Association of Defence Advocates, was established to address defence counsel matters.

11. Finally, in June 2001, the Registrar established a Review Panel on the International Tribunal for Rwanda legal aid scheme with a mandate to review the legal aid scheme of the Tribunal and make recommendations to the Registrar on how the legal aid regime might be improved in order to ensure efficient use of resources and the protection of the integrity of the Tribunal's judicial process. The Panel has produced a first report and made a series of important recommendations, which are being considered by the Registrar.

2. New investigative findings on fee splitting

12. The OIOS investigators interviewed former and current defence counsel and other defence team members at the International Tribunal for Rwanda. Most current counsel confirmed that they had heard of fee-splitting arrangements but denied that they had engaged in such practices themselves with their respective clients and/or their client's relatives.

13. OIOS noted that most former defence counsel and defence team members were very reluctant to provide details of the reasons for their departures from the Tribunal, arguing that those matters were confidential and, if disclosed to either OIOS or the Tribunal, could negatively affect the interests of their former clients. For example, one such counsel, who experienced fee-splitting problems with his client and requested permission to withdraw from the case, stated to OIOS: "What the client says is not true, what really happened I can't tell!"

14. One former defence counsel told OIOS investigators that he had left the International Tribunal for Rwanda subsequent to his rejection of a fee-splitting solicitation received from his former client. The counsel further advised that he had heard that other counsel at the Tribunal had been solicited but could not offer specific information. However, in the course of this follow-up, OIOS investigators did uncover evidence of related wrongdoing in certain defence teams.

(a) First case

15. OIOS investigators learned from the International Tribunal for Rwanda that one current defence counsel had been asked to engage in a fee-splitting arrangement; specifically, the counsel claimed that his client had requested him to pay $2,500 monthly from his emoluments received from the Tribunal. Although the solicitation reportedly occurred in November 2000, the counsel did not report the matter to the Tribunal until April 2001. However, he told the Registry and OIOS investigators that although he had accepted the solicitation at the time it was made, the arrangement was never implemented.

16. In interviews with OIOS investigators, the counsel could offer no convincing explanation for his failure to report the request at the time it was made. The counsel first claimed that he had needed time to consult his Bar Association as to whether or not the disclosure of such solicitation would be deemed a breach of attorney-client confidentiality. When asked by OIOS investigators to explain why it had taken him six months to raise this query to his Bar Association, he gave several excuses. First, he said that he had not

taken the solicitation seriously; he then claimed that he had other priorities; and finally, he had not reported the matter in November 2000 because he thought that he would be withdrawn from the case and was concerned that his client would be deprived of a proper defence, should that happen.

17. While reviewing this issue, OIOS investigators noted that the Chief of the Lawyers and Detention Facilities Management Section of the International Tribunal for Rwanda had failed to take appropriate and timely action to ascertain the facts of this case. OIOS further found that the accused had learned about the allegations by his counsel on 20 September 2001, that is, only one day prior to the hearing of the matter by the Trial Chamber and five months after the Chief of the Lawyers and Detention Facilities Management Section was apprised.

18. The client denied the solicitation allegations by his counsel and filed a motion for his withdrawal, which was denied by a Trial Chamber by a 2 to 1 majority decision in early October 2001. The Trial Chamber's decision directed the Registry to examine fee-splitting matters, including the allegations in that case, and to take all necessary measures to inform all accused and counsel before the Tribunal that fee splitting was unacceptable and merited sanction.

19. One of the judges appended a separate and dissenting opinion to the decision, arguing that the counsel should be sanctioned, inter alia, for: entering into a fee-splitting arrangement; failing to report the matter in a timely fashion; pretending to the accused that everything was in order between them after reporting the matter to the Registry; and reporting the alleged fee-splitting solicitation only when he knew that the accused was about to apply for his removal as counsel the second time. The Appeals Chamber of the International Tribunal for Rwanda dismissed the appeal filed by the detainee, on technical grounds. However, it indicated that the Registry should inquire into the matter and take appropriate action. Inquiry by OIOS investigators on this matter led to the next case.

(b) Second case

20. OIOS investigators found that the same counsel as in the first case had engaged in other inappropriate conduct. His former legal assistant had presented the Registry with a letter dated December 2001 from this counsel, in which he requested the assistant to make necessary "alterations" to "maximize payment" on defence counsel fees for the month of November 2001.

21. Further, when the former legal assistant first reported this and other important related matters to the Chief of the Lawyers and Detention Facilities Management Section, that statement was neither documented nor reported by the Chief. When the OIOS investigators queried the Chief on the reasons for this and other omissions, the Chief replied that at the time he "did not see the report as fee splitting", but rather as an "internal defence team problem". While this is not fee splitting, the Chief failed to see the broader issue of inflated billings, which had been reported in the previous OIOS investigation as one of the ways defence counsel might participate in fee-splitting schemes. As an experienced European lawyer, with more than six years in the Tribunal, the Chief's failure to perform his duties, with due care, cannot be overlooked in view of the larger payment by the International Tribunal for Rwanda resulting from the inflated billings. As Chief of the Lawyers and Detention Facilities Management Section, it was his responsibility to verify defence counsel billings before the Registry made payment.

22. OIOS has provided the Registrar with additional probative material obtained by the investigators so that he can address it further in accordance with the rules of procedures of the Tribunal. The material revealed that the counsel had inflated his bills and engaged in other financial irregularities. Based upon that, and other evidence, the Registrar was able to make a final determination that the counsel had violated the Code of Professional Conduct for Defence Counsel assigned at the Tribunal, inter alia, by inflating his bills, and by providing his former legal assistant with pre-signed blank forms for submission and reimbursement of expenses. Consequently, the Registrar discharged the counsel and communicated this decision to the President of the Law Society of the counsel.

In a report to the President of the International Tribunal for Rwanda, the Chief of the Lawyers and Detention Facilities Management Section disagreed with the findings of OIOS on the above matters but could not produce credible evidence to refute the findings of OIOS. Rather, the Chief provided inaccurate and untrue information about his actions on the matter. *

* The text shown in italics represents the comments of management on the present report.

OIOS provided the President of the Tribunal with detailed material refuting the version presented by the Chief.

(c) Third case

23. In early January 2002, the Registry provided OIOS investigators with documentation suggesting that in July 2001, another current counsel was requested by his client to provide him with $5,000 monthly, as part of a fee-splitting arrangement. The counsel stated that he had declined the request of his client, which he claimed also involved one of his investigators, and requested the Registry to withdraw him from the case. OIOS noted that the counsel reported the alleged solicitation only after his client's request for his withdrawal. The Registry is currently inquiring into this matter in consultation with OIOS.

3. Related investigative findings

24. During their follow-up review, OIOS investigators received information from various sources, including the Registrar, with whom OIOS worked closely on this matter, that a staff member of the International Tribunal for Rwanda, whose responsibilities included the review of the financial statements submitted by defence team members had repeatedly requested and received kickbacks. Cash and cheques were found by OIOS investigators to have been paid under duress by several defence team members. The evidence demonstrates that failure to make such payments, often more than $1,000, resulted in significant delays in payment authorization by the staff member.

25. Upon obtaining documentary and testimonial evidence from concerned defence team members and other persons, the investigators interviewed the concerned staff member. He admitted that he had corruptly requested such payments from defence team members. Detailed information on this matter was supplied to the Registrar. OIOS notes that upon receipt of evidence from OIOS investigators, the Registrar immediately reassigned the staff member to other duties and duly referred the matter to the Office of Human Resources Management of the United Nations for appropriate action.

B. International Tribunal for the Former Yugoslavia

1. Review of implementation of recommendations

26. The Registrar of the International Tribunal for the Former Yugoslavia has prepared an amendment for the revision of the Code of Professional Conduct for Defence Counsel to prohibit specifically fee-splitting arrangements between counsel and their clients and the imposition of sanctions for breaches. OIOS was advised that the revised Code was to be implemented effective 1 April 2002. Also, other relevant texts have been revised in accordance with the recommendations made by OIOS, such as the formulation of a working definition of indigence and a definition of the term "sufficient means" and the implementation of new rules to control changes in counsel. In addition to those text revisions, the Registry has undertaken new measures designed to ensure that only the truly indigent are provided with counsel and that other issues of professional conduct are properly addressed.

27. Further, the Registrar has devised and implemented a new payment system for defence counsel. OIOS was advised that this system gives counsel total flexibility in the allocation of working hours to each task but places a limit on the total allowable hours. In this way, while counsel must take responsibility for how they can most efficiently allocate their available working time, the Registry continues to review invoices in detail and reject payments where the charges are not justified. OIOS was told in this regard that some counsel have continued to submit inflated bills, which, upon careful verification by Registry staff, were rejected.

2. New investigative findings on fee splitting

28. Most former and current defence counsel at the International Tribunal for the Former Yugoslavia indicated to OIOS that they had heard rumours about fee-splitting arrangements but could not offer specifics on the matter. Some former counsel refused to speak to the OIOS investigators.

29. Several current counsel suggested to OIOS investigators that prompt action should be initiated to amend the Tribunal's rules to clearly reflect not only that fee splitting is prohibited, but also to include specific sanctions for both counsel and accused persons who engage in such practices. They further suggested

that the Registry should make it clear that disclosure of such solicitation on their part would not be construed as a breach of confidentiality in the attorney-client relationship.

30. Finally, both current and former counsel at the International Tribunal for the Former Yugoslavia strongly suggested the creation of a bar association for the Tribunal, which could, in their view, address all of their concerns, including fee-splitting matters, and adopt sanctions against counsel found guilty of such practices.

31. Registry staff advised OIOS that an initiative to establish an "association of counsel practising at the Tribunal" was well under way. According to the Registry, the Association would, inter alia: assist defence counsel with creating an organization that would support the functioning and efficiency of the defence; facilitate the resolution of problems; ensure better liaison between the defence counsel at both Tribunals; and provide for an efficient enforcement mechanism by allowing the International Tribunal for the Former Yugoslavia to direct eventual complaints to a single and independent body in charge of implementing sanctions, etc.

32. As indicated in its first report, the OIOS investigators have carried out liaison with staff of the Registry of the International Tribunal for the Former Yugoslavia and continued to review information about possible ongoing fee-splitting arrangements. OIOS was pleased to observe that the Chief of the Office of Legal Aid and Detention has devised a series of efficient measures to ensure that fee splitting and other related matters are reviewed and addressed in a proper and efficient manner.

3. Related investigative findings

33. OIOS investigators inspected locations in several countries and obtained documentary and testimonial evidence that in October 2000, one accused person who had claimed to be indigent and had obtained such status from the Registry had purchased, while in detention, via a power of attorney, a substantial real estate property and finalized payment on the mortgage of one apartment. This evidence was passed to the Registry for follow-up and appropriate action.

IV. Conclusions

A. International Tribunal for Rwanda

34. One former counsel and two current counsels of the International Tribunal for Rwanda reported to OIOS and/or to the Registry fee-splitting solicitations by their respective clients. In these circumstances, OIOS will continue to support the Registrar in his sustained and energetic démarches to prevent such practices and restore confidence in the integrity of the judicial system.

B. International Tribunal for the Former Yugoslavia

35. The finding related to the acquisition of real estate property by a detainee at the International Tribunal for the Former Yugoslavia shows that the detainee, while claiming to be indigent, clearly had substantial financial means, which enabled him to buy the property. This matter will be further reviewed by the Registry for possible bearing on the indigency status of that detainee as well as the source(s) of such funding, including whether it represents the proceeds of a fee-splitting arrangement. OIOS will continue to carry out liaison with the Registry on this and other related matters.

V. Recommendations

36. As noted above, both Tribunals are making efforts to curb abusive practices by defence counsel and detainees. OIOS investigators will continue to consult with both Registries on their respective efforts and will assist them in their démarches including by undertaking further inquiries as needed. In addition, based on the findings of this follow-up review, OIOS offers the following recommendations:

Recommendation 1: In an effort to further curb fee-splitting arrangements, both Tribunals should consider revising their statutory texts so that reports of solicitations by defence team members to the Registrars are not viewed or considered as a breach of the duty of confidentiality owed to their respective clients. (Rec. No. IV01/290/01)*

* The numbers in parentheses in this section refer to an internal code used by OIOS for recording recommendations.

Both Tribunals accepted this recommendation. The International Tribunal for the Former Yugoslavia advised of specific future modifications of the Professional Code of Conduct for Defence Counsel, which would contain an obligation for counsel to report fee-splitting arrangements rather than the current draft, which provides that counsel "may" report such knowledge. The President of the International Tribunal for Rwanda indicated that although, at present, reports of fee-splitting by defence team members are not considered a breach of the attorney-client privilege by Tribunal authorities, explicit legal text would clarify the situation.

Recommendation 2: Both Tribunals should prepare and request all defence team members and detainees to sign a special form clearly indicating that fee splitting is prohibited and making it obligatory on their part to inform the Registrars promptly of any breach of the matter by any member of their respective defence teams. The form should also provide specific sanctions for breaches of the above. (Rec. No. IV01/290/02)

Both Tribunals accepted this recommendation. The International Tribunal for the Former Yugoslavia advised that the signing of the special form would be implemented in due course. The President of the International Tribunal for Rwanda welcomed this recommendation.

Recommendation 3: The Registrar of the International Tribunal for Rwanda should consider the effectiveness of the work of the Chief of the Lawyers and Defence Facilities Management Section in view of the failure to take timely and documented action when advised of wrongdoing. (Rec. No. IV01/290/03)

The Registrar advises that he is currently re-evaluating the efficiency of various sections within the Registry of the International Tribunal for Rwanda, including the Lawyers and Detention Facilities Management Section, and will take appropriate action. The President of the International Tribunal for Rwanda did not agree with this recommendation.

Recommendation 4: The International Tribunal for Rwanda should consider taking prompt and appropriate action regarding the staff member who has admitted taking kickbacks. (Rec. No. IV01/290/04)

The International Tribunal for Rwanda accepted this recommendation and advised that immediately after being notified of the matter, the Registrar had removed the concerned staff member from his Office and had referred the matter to the Office of Human Resources Management of the United Nations for appropriate action.

Recommendation 5: Both Tribunals should ensure that proper controls are instituted so that approval systems for payments, reimbursements, etc., cannot be exploited for corrupt purposes. This includes ensuring substantial and sole authority for such approvals is not vested in one individual. (Rec. No. IV01/290/05)

The Registry for the International Tribunal for the Former Yugoslavia indicated that this recommendation had already been implemented and advised that the approval and transfer system for payments had always been divided between an operational unit recommending authorizations on behalf of the Registrar and an approving unit to effect payment. The Registry further advised that the system would be further reinforced by the issuance of specific guidelines for invoicing.

The Registry for the International Tribunal for Rwanda did not comment on this recommendation.

(*Signed*) Dileep **Nair**
Under-Secretary-General for
Internal Oversight Services

Annex

Status report on the implementation of recommendations for both Tribunals made by the Office of Internal Oversight Services in document A/55/759

No.	*Recommendations*	*Status*
1	In an effort to curb fee-splitting arrangements as evidenced by the offering of expensive gifts, the International Tribunal for Rwanda Rules of Detention should be amended to restrict gifts to detainees by imposing a limit on gifts received and restricting the receipt of luxury goods. To the extent that computers and other electronic equipment are needed to assist in the defence, an appropriate number should be purchased by the Registry of the International Tribunal for Rwanda for detainee use, as needed. This would reduce the opportunity for fee-splitting activity. (IV/00/125/01R)	Implemented
2	The International Tribunal for the Former Yugoslavia should adopt a practice of denying remuneration to counsel in connection with frivolous motions as has been done at the International Tribunal for Rwanda. (IV/00/125/02Y)	Implemented
3 and 4	In order to better determine the indigency claims made by the suspect/accused person, both Tribunals should assign a full-time investigator to the Defence Management Sections in order to investigate claims of indigence, including asset-tracing and possible relations between defence team members and the suspect/accused person. (IV/00/125/03R); (IV/00/125/04Y)	Ongoing. Both Tribunals have initiated appropriate action to implement this recommendation
5 and 6	Both Tribunals should formulate a working definition of indigence and define "sufficient means" in relation to maximum financial limits on the assets owned by a suspect/accused person. Even where counsel has been assigned, a suspect/accused individual with some assets may be ordered to make contributions to the cost of his/her defence using a pre-determined formula or, alternatively, consider a legal aid formula of providing staff defence lawyers rather than paying fees. (IV/00/125/05R); (IV/00/125/06Y)	Implemented and ongoing
7 and 8	Both Tribunals should implement rules to control changes of counsel and the publication of clear guidelines on the definition of the "exceptional circumstances" ground permitting a suspect/accused person to change counsel. (IV/00/125/07R); (IV/00/125/08Y)	Implemented and ongoing
9 and 10	Both Tribunals should revise the Code of Professional Conduct for Defence Counsel to specifically prohibit fee-splitting arrangements between counsel and their clients and should impose sanctions for breaches of same (IV/00/125/09R); (IV/00/125/10Y)	Implemented and ongoing
11 and 12	The qualifications of defence team investigators should be subject to review by both Tribunals before being approved so as to prevent the recruitment of relatives and thereby minimize the risk of fee splitting. (IV/00/125/11R); (IV/00/125/12Y)	Implemented

No.	*Recommendations*	*Status*
13 and 14	In order to control the fees charged by defence counsel, the Defence Management Sections of both Tribunals should require a detailed breakdown of charges. (IV/00/125/13R); (IV/00/125/14Y)	Implemented
15 and 16	In order to curb the possibility of inflating hours and to impose uniformity regarding the hours charged by counsel, certain ranges should be established by the Tribunals for each task counsel performs. (IV/00/125/15R); (IV/00/125/16Y)	Implemented and ongoing